

Judicial Council of Georgia
Emergency Session

By Conference Call

Monday, May 11, 2020
2:00 p.m.

- 1. Preliminary Remarks**
(Chief Justice Harold D. Melton, Est. Time – 5 Min.)
- 2. Roll Call of Judicial Council Members**
(Cynthia Clanton, Judicial Council Secretary and AOC Director, Est. Time – 2 Min.)
- 3. Adoption of Minutes from Emergency Session on May 4, 2020**
(Chief Justice Harold D. Melton, Est. Time – 2 Min.)
- 4. COVID-19 Update and Discussion of Statewide Judicial Emergency Order by Judicial Council Members**
(Chief Justice Harold D. Melton, Est. Time – 15 Min.)
- 5. Reports from Courts, Councils, State Bar, and AOC (Est. Time – 20 min.)**
 - A. Supreme Court**
 - B. Court of Appeals**
 - C. Business Court**
 - D. Council of Superior Court Judges**
 - E. Council of State Court Judges**
 - F. Council of Juvenile Court Judges**
 - G. Council of Probate Court Judges**
 - H. Council of Magistrate Court Judges**
 - I. Council of Municipal Court Judges**
 - J. State Bar of Georgia**
 - K. Administrative Office of the Courts**

6. Reports from additional Judicial Branch Agencies (Est. Time – 10 Min.)

- A. Council of Accountability Court Judges**
- B. Georgia Commission on Dispute Resolution**
- C. Council of Superior Court Clerks**
- D. Chief Justice’s Commission on Professionalism**
- E. Georgia Council of Court Administrators**
- F. Institute of Continuing Judicial Education**
- G. Judicial Qualifications Commission**

7. Old/New Business

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

8. Concluding Remarks and Adjournment

(Chief Justice Harold D. Melton, Est. Time – 5 Min.)

Next Judicial Council Meetings – General Session

Friday, August 14, 2020	10 a.m. – 12:30 p.m.	Columbus Convention & Trade Center/Columbus, GA
Friday, December 11, 2020	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

Judicial Council Meeting Calendar – 2021

Friday, February 12, 2021	10 a.m. – 12:30 p.m.	The James H. “Sloppy” Floyd Building/ Atlanta, GA
Friday, April 23, 2021	10 a.m. – 12:30 p.m.	The Classic Center/Athens, GA
Friday, August 13, 2021	10 a.m. – 12:30 p.m.	Location TBD
Friday, December 10, 2021	10 a.m. – 12:30 p.m.	The Carter Center/Atlanta, GA

Please continue to check www.georgiacourts.gov (the Judicial Gateway) for the latest updates and information. Thank you and continue to be safe!

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Conference Call
May 4, 2020 • 2 p.m.

Members Present

Chief Justice Harold D. Melton, Chair
Presiding Justice David Nahmias
Chief Judge Brian Amero
Chief Judge Berryl Anderson
Chief Judge Jeffrey Bagley
Judge Michael Barker
Chief Judge Chris Brasher
Chief Judge Carl C. Brown
Chief Judge Geronda Carter
Judge Walter Davis
Chief Judge Donald W. Gillis
Chief Judge T.J. Hudson
Judge Asha Jackson
Judge Lisa C. Jones
Judge Jeffrey Kight
Chief Judge T. Russell McClelland
Chief Judge Christopher T. McFadden
Judge Wade Padgett
Vice Chief Judge Brian K. Rickman
Judge Dale “Bubba” Samuels
Chief Judge Juliette Scales
Judge Arthur Lee Smith
Mr. Darrell Sutton
Judge Wesley B. Taylor
Judge James G. Tunison, Jr.
Judge Ralph Van Pelt
Judge Willie C. Weaver
Chief Judge Kelli Wolk

Members Absent

Staff Present

Ms. Cynthia Clanton, Director
Ms. Michelle Barclay
Ms. Jessica Farah
Mr. Christopher Hansard
Ms. Stephanie Hines
Ms. Cheryl Karounos
Ms. Tynesha Manuel
Ms. Tracy Mason
Ms. Lashawn Murphy
Ms. Tiffanie Robinson

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 2:00 p.m. by Chief Justice Harold Melton. Ms. Clanton called roll for Council members; staff and guests were instructed to submit their attendance to Ms. Robinson for the purposes of the minutes. The Chief Justice administered the oath to Judge Wade Padgett as the newest Council member. Chief Justice Melton also congratulated Judge Amero as the new president of the Council of Superior Court Judges.

Adoption of Minutes – April 24, 2020

Chief Justice Melton directed the Council's attention to the minutes of the General Session on April 24, 2020. A motion to approve the minutes was offered by Presiding Justice Nahmias, with a second from Judge Barker. No discussion was offered, and the motion was approved without opposition.

COVID-19 Update and Discussion of Statewide Judicial Emergency Order by Judicial Council Members

Chief Justice Melton reported there are currently three town hall meetings scheduled. The landlord-tenant summit has been canceled and Chief Justice Melton recognized Judge Barker and Ms. Karounos for their contributions in planning the summit. The Council of Municipal Court Judges and the Council of State Courts Judge town hall meetings are scheduled for Tuesday, May 5, 2020. A town hall meeting is scheduled with the Council of Superior Court Clerks for Thursday, May 7, 2020.

The National Center for State Courts has identified a vendor for courts to order 3-ply and KN95 masks. Members should contact Drew Townsend at the AOC for details.

The Supreme Court issued a press release announcing the extension of the Statewide Judicial Emergency. The order will include reference to the guidance previously issued. Justice Blackwell reported on the inclusion of guidance on the tolling of terms of court; specifically, deadlines for trying a defendant under a speedy trial demand, motions for reconsideration, and motions to withdraw a guilty plea. The guidance notes any term of court interrupted by the judicial emergency would not count toward any deadline. Justice Blackwell also reported that a working group of superior court judges provided guidance to consider in grand jury management during the tolling period. The guidance given includes the recognition that there is essential and exceptional business that may require the convening of a grand jury to take up an issue. There needs to be a mechanism by which to convene a grand jury in those instances. There exists local law in some counties that allows for holdover of grand juries from the prior regular term, so a court should first check to see if there is local authorization in their particular county. If that is not the case in a particular county, the recommendation is that the superior court consider ending a regular term early and calling a special term, which allows for superior court judges to compel the attendance of grand jurors of a previous term or to draw new jurors (see OCGA § 15-6-20). Chief

Justice Melton thanked Justice Blackwell and noted that, in absence of opposition, this guidance would be posted online after the meeting.

Chief Justice Melton reported the declaration extension will include an emphasis on video conferences; a draft rule has been circulated and issued for public comment and feedback. The order will also emphasize that jury trials are suspended, as are grand juries. The order explicitly notes that judges have the authority to compel attendance in video conferences. When in-court proceedings are conducted they must be in accordance with strict compliance with local, state, and CDC guidelines. Because of the variance in effect COVID-19 has on different areas, compliance must be met at each level. Local chief judges are authorized to impose greater restrictions if needed. Chief Justice Melton reported the draft order includes express language for courts to impose new scheduling orders and to restart scheduling orders to continue the movement of cases.

To identify a way to move forward, a judicial task force will be created to include representatives from each class of court, prosecutors, public defenders, sheriffs, and clerks to have a collaborative conversation about these nuanced issues. Council members discussed solutions to address the lack of available technology to participate in video conferencing, the lift on the prohibition of in-person hearings, the possibility of an additional extension to the judicial order, courthouse logistics concerning in-person proceedings, and how to proceed with probates.

Chairman Andy Welch of the Georgia House of Representatives provided a report on the state of the Fiscal Year 2021 budget. The House and Senate Appropriations leadership, along with the Governor's Office of Planning and Budget, have agreed on a 14 percent reduction to be requested from all state agencies. The 14 percent reduction will be based on the adopted Fiscal Year 2020 base budget; the judiciary is asked to review the submitted Fiscal Year 2021 budget and adjust it to get as close to the fourteen percent reduction as possible.

Reports from Courts, Councils & State Bar

Supreme Court. No report was provided.

Court of Appeals. No report was provided.

Business Court. No report was provided.

Council of Superior Court Judges. No report was provided.

Council of State Court Judges. No report was provided.

Council of Juvenile Court Judges. No report was provided.

Council of Probate Court Judges. No report was provided.

Council of Magistrate Court Judges. Judge Barker thanked the Council for the swift consideration and comments of the Magistrate Court rules recently passed.

Council of Municipal Court Judges. Judge Samuels reported the Council issued a guidelines memo last week. The Council is looking forward to the virtual town hall meeting tomorrow and thanked the Chief Justice and the AOC for organizing the event.

State Bar of Georgia. No report was provided.

Administrative Office of the Courts. Director Clanton reported that the preliminary results of the superior court workload assessment were released this morning. The requests for new judgeships are due June 1, 2020. The Judicial Workload Assessment Committee is scheduled to meet on July 10, 2020. The AOC continues to be fully functional.

Reports from additional Judicial Branch Agencies

Council of Accountability Court Judges. No report was provided.

Georgia Commission on Dispute Resolution. No report was provided.

Council of Superior Court Clerks. No report was provided.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier thanked the Chief Justice for participating in the CLE last week which included over 1,800 participants. She reported a request from a judge for the Commission to consider a judicial version with judges only.

Georgia Council of Court Administrators. No report was provided.

Institute of Continuing Judicial Education. No report was provided.

Judicial Qualifications Commission. No report was provided.

Old Business

No old business was offered.

New Business

No new business was offered.

Concluding Remarks

Chief Justice Melton announced that the next Emergency Session is scheduled for Monday, May 11, 2020.

Adjournment

Hearing no further business, Chief Justice Melton adjourned the meeting at 2:44 p.m.

Signatures on the next page

Respectfully submitted:

Tynesha Manuel
Assistant Director, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

The above and foregoing minutes
were approved on the ____ day of
_____, 2020.

Harold D. Melton
Chief Justice

DRAFT

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Guest Present

Mr. Douglas Ashworth, Institute of Continuing Judicial Education
Mr. Joseph Baden, Third Judicial Administrative District
Ms. Therese Barnes, Supreme Court of Georgia
Ms. Amy Bell, Office of the Circuit Public Defender, Macon Judicial Circuit
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Judge Violet R. Bennett, State Court Wayne County
Justice Keith R. Blackwell, Supreme Court of Georgia
Mr. Chuck Boring, Judicial Qualifications Commission
Mr. Bob Bray, Council of State Court Judges
Judge Robert Cowan, Municipal Court of Dalton
Mr. Richard F. Denney, First Judicial Administrative District
Judge Lori Duff, Municipal Court of Loganville
Mr. Steve Ferrell, Ninth Judicial Administrative District
Ms. Amanda Grantham, Georgia Public Defender Council
Chief Judge Reuben Green, Superior Court, Cobb Judicial Circuit
Ms. Karlise Grier, Chief Justice's Commission on Professional
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Michael Holiman, Council of Superior Court Clerks
Judge Gary Jackson, Atlanta Municipal Court
Ms. Tracy Johnson, Georgia Dispute of Resolution
Ms. Taylor Jones, Council of Accountability Courts Judges
Ms. Anne Kirkhope, Council of Juvenile Court Judges
Judge Kristi Lovelace, Municipal Court of Monroe
Ms. Cathy McCumber, Fourth Judicial Administrative District
Ms. Kendra Mitchell, Kendra Mitchell Law Office
Mr. David Mixon, Second District Court Administrator
Ms. Sharon Reiss, Council of Magistrate Court Judges
Ms. Jimmonique Rodgers, Georgia Public Defender Council
Judge James Stephen Schuster, Superior Court Cobb Judicial Circuit
Ms. Christina Cooley Smith, Court of Appeals
Mr. Robert W. Smith, Jr., Prosecuting Attorneys' Council of Georgia
Mr. Jason Stephenson, Northeastern Judicial Circuit
Ms. Courtney Veal, Judicial Qualifications Commission
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Ms. Cindy Wang, Department of Juvenile Justice
Rep. Andrew J. Welch, Chairman, Appropriations: Public Safety